

West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Consolidation Coal Company
Amonate Preparation Plant
R30-04700017-2013

John A. Benedict
Director

Issued: January 8, 2013 • Effective: January 22, 2013
Expiration: January 8, 2018 • Renewal Application Due: July 8, 2017

Permit Number: **R30-04700017-2013**
Permittee: **Consolidation Coal Company**
Facility Name: **Amonate Preparation Plant**
Permittee Mailing Address: **700 Dry Fork Road, Bandy, VA 24602**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Beech Fork, McDowell County, West Virginia
Facility Mailing Address:	700 Dry Fork Road, Bandy, VA 24602
Telephone Number:	276-988-5098
Type of Business Entity:	Corporation
Facility Description:	Coal Preparation Plant with Thermal Dryer
SIC Codes:	1221
UTM Coordinates:	441.76 Easting • 4118.34 Northing • Zone 17

Permit Writer: Wayne Green

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0 Emission Units and Active R13, R14, and R19 Permits

1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Thermal Dryer					
TD-1	001	Thermal Dryer	1977	411.8 TPH	RC-FCC, RC-FKHV
Storage Piles					
SP-1	003	Stockpile at Truck Dump	1990	N/A	MC
SP-2	003	Beech Fork Storage Pile	1990	197,000 Tons	MC
SP-3	003	Main Clean Coal Stockpile	1990	195,000 Tons	MC
SP-4	003	Loop #1 Stockpile (Emergency Stockpiling)	1990	245,000 Tons	MC
SP-5	003	Loop #2 Stockpile (Emergency Stockpiling)	1990	109,000 Tons	MC
Rotary Breaker with Screen					
CS-1	004	Main Rotary Breaker with Scalping Screen	1977	800 TPH	FE, MC
CS-2	004	Mine Car Dump Breaker with Scalping Screen	1977	800 TPH	FE, MC
Miscellaneous VOC Process					
FC1	005	Froth Flotation Cell	1977	N/A	N/A
TH1	005	Thickener	1977	N/A	N/A
Unpaved Road Emissions					
H-1	006	Haulroad – Raw Coal from Beech Fork Mine to Truck Dump	Pre 1977	N/A	WT
H-2	006	Haulroad – Raw Coal from offsite to Truck Dump	Pre 1977	N/A	WT
H-3	006	Haulroad – Coarse Refuse Impoundment	Pre 1977	N/A	WT
H-4	006	Haulroad – Beech Fork Stockpile to Plant	Pre 1977	N/A	WT
H-5	006	Haulroad – Loop #1 to Plant	Pre 1977	N/A	WT
H-6	006	Haulroad – Loop #2 to Plant	Pre 1977	N/A	WT
Transfer Point with Baghouse					
TP-42	007	Magnetite Truck to Magnetite Bin	1977	20 TPH	FE
Transfer Points with Full Enclosure					
TP-19	008	Silo Feeders to Silo Reclaim Belt	1977	658 TPH	FE
TP-21	008	Thermal Dryer Belt to Thermal Dryer	1977	411.8 TPH	FE
TP-21A	008	Thermal Dryer Bypass	1977	411.8 TPH	FE
TP-23	008	Thermal Dryer to Load Out Belt	1977	350 TPH	FE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Transfer Points with Partial Enclosure					
TP-4	009	Truck Dump Hoppers to Truck Dump Belt	1977	800 TPH	PE
TP-5	009	Transfer Bin	1997	800 TPH	PE
TP-6	009	Transfer Bin to Breaker Feed Belt (C3)	1997	800 TPH	PE
TP-7	009	Breaker Feed Belt to Rotary Breaker	1997	800 TPH	PE
TP-8	009	Rotary Breaker to Main Silo Feed Belt	1977	750 TPH	PE
TP-9	009	Rotary Breaker to Breaker Refuse Books	1977	100 TPH	PE
TP-10	009	Breaker Refuse Belt (C6) to Breaker Refuse Bin	1977	100 TPH	PE
TP-12	009	Car Rotary Dump to Rail Dump Hopper	1977	800 TPH	PE
TP-13	009	Rail Car Dump Hopper to Breaker Feed Belt	1977	800 TPH	PE
TP-14	009	Mine Car Rotary Dump to Mine Dump Breaker	1977	800 TPH	PE
TP-15	009	Mine Dump Breaker to Mine Dump Breaker Refuse Belt	1977	100 TPH	PE
TP-16	009	Mine Dump Breaker to Mind Dump Silo Feed	1977	750 TPH	PE
TP-17	009	Silo Feed Belts to Silo Transfer Belt	1977	750 TPH	PE
TP-18	009	Silo Transfer Belt to Raw Coal Silos	1977	750 TPH	PE
TP-20	009	Silo Reclaim Belt (C9) to Plant Feed Belt (C10)	1977	658 TPH	PE
TP-22	009	Coarse Coal Belt to Coarse Coal Transfer Belt	1977	525 TPH	PE
TP-24	009	Coarse Coal Transfer Belt to Load Out Belt	1977	525 TPH	PE
TP-25	009	Load Out Belt to Load Out Bin/Storage Pile Feed Belt	1977	525 TPH	PE
TP-27	009	Beech Fork Mine Belt to Beech Fork Silo #4	1977	100 TPH	PE
TP-28	009	Beech Fork Silo #4 to Beech Fork Silo Reclaim Belt	1977	100 TPH	PE
TP-29	009	Beech Fork Silo Reclaim Belt to Trucks	1977	100 TPH	MC
TP-35	009	Load Out Bin to Rail Cars	1977	525 TPH	MC
TP-36	009	Graded Coal Belt to Graded Coal Land Out Bin	1977	125 TPH	MC
TP-38	009	Plant Refuse Belt to Overland Refuse Belt	1977	400 TPH	MC
TP-39	009	Refuse Bin	1977	400 TPH	MC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Transfer Points with No Enclosures					
TP-1	00A	Raw Coal Truck Dump Hoppers	1977	800 TPH	MC
TP-2	00A	Trucks to Raw Coal Storage Pile (SP-1)	1977	800 TPH	MC
TP-3	00A	Raw Coal Storage Pile (SP-1) by End Loader to Truck Dump Hoppers	1977	800 TPH	MC
TP-11	00A	Breaker Refuse Bin to Rock Truck	1977	100 TPH	MC
TP-26	00A	Stockpile Feed Belt to Main Clean Coal Stockpile	1977	525 TPH	MC
TP-37	00A	Graded Coal Load Out Bin to Graded Coal Rail Cars	1977	125 TPH	MC
TP-40	00A	Refuse Truck	1977	400 TPH	MC
TP-41	00A	End Loader to Rail Cars	1977	525 TPH	MC
Conveyor Belts					
C1	00B	Rotary Dump Belt	1977	800 TPH	PE
C2	00B	Truck Dump Belt	1977	800 TPH	PE
C3	00B	Rotary Breaker Building Feed Belt	1977	800 TPH	PE
C4	00B	Raw Coal Silos Feed Belt	1977	750 TPH	PE
C5	00B	Raw Coal Silos Load-in Transfer Belt	1977	750 TPH	PE
C6	00B	Main Rotary Breaker (CS-1) Reject/Rock Belt	1977	100 TPH	PE
C7	00B	Mine Car Rotary Dump Belt	1977	750 TPH	PE
C8	00B	Mine Car Rotary Dump (CS-2) Reject/Rock Belt	1977	100 TPH	PE
C9	00B	Raw Coal Silo Reclaim Belt	1977	658 TPH	PE
C10	00B	Plant Feed Belt from Silo Reclaim Belt to Preparation Plant	1977	658 TPH	PE
C11	00B	Thermal Dryer Belt to Thermal Dryer	1977	411.8 TPH	PE
C12	00B	Plant Coarse Product Belt	1977	525 TPH	PE
C13	00B	Coarse Product Transfer Belt	1977	525 TPH	PE
C14	00B	Load Belt from Thermal Dryer to Load Out	1977	525 TPH	PE
C15	00B	Clean Coal Stockpile Feed Belt	1977	525 TPH	MC
C16	00B	Graded Coal Belt (Stoker)	1977	125 TPH	MC
C17	00B	Beech Fork Silo Feed Belt	1977	100 TPH	MC
C18	00B	Beech Fork Silo Reclaim Belt	1977	100 TPH	MC
C19	00B	Beech Fork Mine Plant Feed Belt (out of service)	1977	0 TPH	MC
C20	00B	Plant Refuse Belt	1977	400 TPH	PE
C21	00B	Overland Refuse Belt	1977	400 TPH	MC
Silos					
Silo 1	00B	Plant Silo #1	1977	2,400 Tons	MC
Silo 2	00B	Plant Silo #2	1977	2,800 Tons	MC
Silo 3	00B	Plant Silo #3	1977	2,400 Tons	MC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Silo 4	00B	Beech Fork Silo	1977	1,200 Tons	MC
Tanks					
TL-1	002	Froth Cell Storage Tank	1977	10,000 Gallons	N/A
TL-2	002	Diesel Storage Tank	1977	4,000 Gallons	N/A
TL-3	002	Diesel Storage Tank	1977	5,000 Gallons	N/A
TL-4	002	Gasoline Storage Tank	1977	1,000 Gallons	N/A
TL-5	002	Freeze Conditioner Storage Tank	1977	8,000 Gallons	N/A
TL-6	002	Flocculent	1977	8,000 Gallons	N/A
TL-7	002	Froth Cell Frother Reagent Tank	1977	3,000 Gallons	N/A
TL-8	002	Froth Cell Diesel (Holding Tank)	1977	275 Gallons	N/A

Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System / Control Device abbreviations: FE = Full Enclosure, FE/FE = Full Enclosure in Building, PE = Partial Enclosure, NE = No Enclosure, MC = Moisture Content Equal To or Greater Than 6%, WT = Water Truck, DSA = Dust Suppression Additives, RC-FKHV = Flex-Kleen Horizontal Venturi (Manufacturer: Research-Cottrell (RC), Model: Flex-Kleen Horizontal Venturi, Type: Venturi); RC-FCC = Four (4)-86" equivalent diameter, Flex-Cone Cyclone Collectors (Manufacturer: Research-Cottrell, Model: Flex-Cone Cyclone Dust Collectors and Tangentially Fed Low Velocity type mist eliminator, N/A = Not Applicable.

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-0267A	January 7, 2003

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source Performance
CBI	Confidential Business Information		Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr or lb/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
m	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
		USEPA	United States Environmental Protection Agency
mm	Million		
mmBtu/hr	Million British Thermal Units per Hour	UTM	Universal Transverse Mercator
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour	VEE	Visual Emissions Evaluation
NA or N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards	VOC	Volatile Organic Compounds
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
 - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.

[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.

[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.

[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.

[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
- b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield.

- d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.
- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
 - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
 - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
 - a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
- [45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- [45CSR§30-5.7.a.]
- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
- [45CSR§30-5.7.b.]
- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

- 2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

- 2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

- 2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

- 2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

- 3.1.9. The Barnebey-Cheney Scentometer or any other instrument, device, or technique designated by the Director may be used as a guide in the enforcement of the rule and may be used in the determination of the objectionability of an odor.

[45CSR§4-3.2, 45CSR13, R13-0267 (B.2.) State-Enforceable only.]

- 3.1.10. Accidental and other infrequent discharges which cause or contribute to objectionable odors will be considered on an individual basis and shall be reported by the person responsible therefore to the Director in the manner to be prescribed by the Director.

[45CSR§4-4.1, 45CSR13, R13-0267 (B.2.) State-Enforceable only.]

- 3.1.11. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.

[45CSR§5-3.4, 45CSR13, R13-0267 (B.3.)]

- 3.1.12. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

[45CSR§5-6.1, 45CSR13, R13-0267 (B.3.)]

- 3.1.13. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.

[45CSR§5-6.2, 45CSR13, R13-0267 (B.3.)]

- 3.1.14. All fugitive dust control systems as specified in Section 1.1 (Emission Unit Table) shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.

[45CSR13, R13-0267 (A.3.)]

- 3.1.15. The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads and other work areas where mobile equipment is used.

The spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the surface being treated.

The pump delivering the water or solution shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure.

Daily and monthly records will be kept on site for the amount of water and dust control additive used. Said records shall be certified by a “responsible official” and maintained on site for a period of no less than five years. Said records shall be made available to the Director or his/her duly authorized representative upon request.

A freeze protection plan shall be incorporated to insure that the wet suppression systems remain operational at all times.

[45CSR13, R13-0267 (A.4.)]

- 3.1.16. On and after the date on which the performance test is conducted or required to be completed under 40 C.F.R. § 60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.

[45CSR16, 40 C.F.R. § 60.254 (a), 45CSR13, R13-0267 (B.5)]

- 3.1.17. The opacity standards set forth in Section 3.1.16 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

[45CSR16, 40 C.F.R. § 60.11 (c)]

- 3.1.18. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. This does not apply to haul roads, open storage piles, and thermal dryers.

[45CSR16, 40 C.F.R. § 60.11 (d), 45CSR13, R13-0267 (B.5.)]

- 3.1.19. In accordance with the information filed in permit application R13-0267, the maximum throughputs specified in the Emission Units Section 1.1 of this permit shall not be exceeded.

[45CSR13, R13-0267 (A.2.)]

- 3.1.20. The permitted facility shall be constructed and operated in accordance with information filed in Permit Applications R13-0267, R13-0267A, and any amendments thereto.

[45CSR13, R13-0267 (C.3.)]

3.2. Monitoring Requirements

- 3.2.1. The permittee shall conduct monitoring/recordkeeping/reporting as follows [Not required for open stockpiles (SP-1, SP-2, SP-3, SP-4, SP-5, Refuse Disposal Area) and haul roads (H1, H2, H3, H4, H5, H6)]: (NOTE: See Section 4.0. for the Thermal Dryer Unit Requirements).

- a. Visible emissions evaluation shall be conducted for each affected source at least once every consecutive 12-month period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.

- b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least each calendar week during periods of facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. Part 60 Appendix A, Method 22. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under this paragraph if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
- c. If any subsequent visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive 14-day periods, the emission unit may comply with the visible emissions testing requirements of Section 3.2.1.b. in lieu of those established in this condition.
- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. Part 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR§30-5.1.c.]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
 - a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 - 1. The permit or rule evaluated, with the citation number and language.
 - 2. The result of the test for each permit or rule condition.
 - 3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

- 3.3.2. a. An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required by 40 C.F.R. § 60.8 to demonstrate compliance with the applicable emission standards using the methods identified in 40 C.F.R. § 60.257.

[45CSR16, 40 C.F.R. § 60.255 (a), 45CSR13, R13-0267 (B.5.)]

- 3.3.3. The owner or operator must determine compliance with the applicable opacity standards as specified in 40 C.F.R. §§ 60.257 (a) (1) through (3).
 - 1. Method 9 of 40 C.F.R. Part 60 Appendix A–4 and the procedures in 40 C.F.R. § 60.11 must be used to determine opacity, with the exceptions specified in 40 C.F.R. §§ 60.257 (a) (1) (i) and (ii).
 - i. The duration of the Method 9 of 40 C.F.R. Part 60 Appendix A–4 performance test shall be 1 hour (ten 6-minute averages).
 - ii. If, during the initial 30 minutes of the observation of a Method 9 of 40 C.F.R. Part 60 Appendix A–4 performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.

2. To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in 40 C.F.R. §§ 60.257 (a) (2) (i) through (iii) must be used.
 - i. The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
 - ii. The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.
 - iii. The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.

[45CSR16, 40 C.F.R. § 60.257 (a), 45CSR13, R13-0267 (B.5.)]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§30-5.1.c. State-Enforceable only.]

- 3.4.4. The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of such inspections and of all scheduled and non-scheduled maintenance. Records shall be maintained stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.
[45CSR§30-5.1.c.]
- 3.4.5. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust controls measures applied at the facility.
[45CSR§30-5.1.c.]
- 3.4.6. Compliance with all hourly and annual throughput limits set forth in Section 3.1.19 shall be determined using a twelve month rolling total. A twelve-month rolling total shall mean the sum of the amount of coal received, processed, stored, or shipped at any given time for the previous twelve (12) consecutive calendar months. Compliance with the hourly throughput limit shall be demonstrated by dividing the daily total throughput by the number of hours operated in the same day to obtain an hourly average. The permittee shall maintain daily records of the coal throughput and the hours of operation.
[45CSR§30-5.1.c, 45CSR13, R13-0267 (A.2.)]
- 3.4.7. For the purpose of determining compliance with the maximum throughput limits set forth in Section 3.1.19, the permittee shall maintain on site certified monthly and annual records of the raw coal and clean coal transfer rates. Records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
[45CSR13, R13-0267 (B.7.)]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. and 5.1.c.3.D.]
- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]
- 3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance
Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. None

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

45CSR§10-5.1	The thermal dryer is not defined as a refinery process gas stream or any other process gas stream that contains hydrogen sulfides to be combusted
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4.0 Thermal Dryer [emission unit ID(s) TD-1; emission point ID(s): 001]

4.1. Limitations and Standards

4.1.1. On and after the date on which the performance test is conducted or required to be completed under 40 C.F.R. § 60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of 40 C.F.R. Part 60 Subpart Y must meet the requirements in 40 C.F.R. §§ 60.252 (a) (1) and (a) (2).

- (1) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and
- (2) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater.

[45CSR16, 40 C.F.R. § 60.252 (a), 45CSR§§5-3.1 and 4.1.a., 45CSR13, R13-0267, B.5.]

4.1.2. No person shall circumvent 45CSR5 by adding additional gas to any dryer exhaust or group of dryer exhaust for the purpose of reducing the grain loading.

[45CSR§5-4.2., 45CSR13, R13-0267, B.1.]

4.1.3. No person shall cause, suffer, allow or permit the exhaust gases from a thermal dryer to be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of the said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate, and good engineering practice as set forth in 45CSR20.

[45CSR§5-4.3., 45CSR13, R13-0267, B.1.]

4.1.4. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2000 ppm by volume from existing source operations, except as provided in subdivisions of 45CSR§10-4.1.

[45CSR§10-4.1, 45CSR13, R13-0267, B.4.]

4.1.5. The sulfur content of the fuel coal burned in the furnace will not exceed 1.00%. The ash content of the fuel coal burned in the furnace will not exceed 9.00%. Consolidation Coal Company shall sample in accordance with approved ASTM methods at least once per eight (8) hour operating period and not less than three (3) times for a 24 hour continuous operating period of the coal fuel burned in the furnaces. The samples will be composited to provide a monthly sample for analytical analysis. As an alternative sampling method, Consolidation Coal Company shall sample the clean coal produced by the plant according to approved ASTM methods. Since the thermal dryer furnace is fueled by diverting a portion of the clean coal into a furnace fuel bin, sampling of the clean coal product stream is considered to be representative of the coal combusted by the dryer. The coal sample program shall utilize a clean coal sampling protocol, which consists of collecting clean coal product samples either from an automatic coal sampling system when coal is direct loaded into rail cars or manual car top samples from rail cars as they are being loaded from the stockpile. The automatic sampling system and the car top sampling system shall generate an individual sample of at least 500 grams, which shall be prepared and saved from each loading. A sample split from all individual samples shall be combined to represent a monthly composite.

The monthly composite sample shall be processed and analyzed for heat and sulfur content. Heat content shall be reported in BTU per pound and the sulfur content as a percentage. Said records shall be certified by a “responsible official” and maintained on site for a period of no less than 5 years. Said records shall be made available to the Director or his/her duly authorized representative upon request.

[45CSR13, R13-0267, A.5.]

- 4.1.6. Emissions from the thermal dryer shall not exceed the following hourly and annual limits:

Pollutant	Emissions Limitations	
	One-Hour Average (LB/hr)	Annual (Tons/year)
SO ₂	190	832.2
Particulate Matter (PM)	34	148.92

[45CSR13, R13-0267, A.1.]

4.2. Monitoring Requirements

- 4.2.1. The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in 40 C.F.R. §§ 60.256 (a) (1) and (2), as applicable to the affected facility.

1. The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:
 - i. A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within ± 1.7 °C (± 3 °F).
 - ii. For affected facilities that use wet scrubber emission control equipment:
 - A. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.
 - B. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations.
2. All monitoring devices under Section 4.2.1.1 are to be recalibrated annually in accordance with procedures under 40 C.F.R. § 60.13 (b).

[45CSR16, 40 C.F.R. § 60.256 (a), 45CSR§5-9.1, 45CSR13, R13-0267, B.5.]

- 4.2.2. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR10. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10.

[45CSR§10-8.2.a, 45CSR13, R13-0267, B.1.]

- 4.2.3. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) shall demonstrate compliance with Section 4.1.4 by testing and /or monitoring in accordance with one or more of the following: 40 C.F.R. Part 60 Appendix A, Method 6, Method 15, continuous emissions monitoring systems (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit.

[45CSR§10-8.2.c, 45CSR13, R13-0267, B.4.]

- 4.2.4. In accordance with Consolidation Coal Company's Amonate Preparation Plant (Amonate) 45CSR10 Monitoring Plan that was submitted on November 21, 2001, Amonate will maintain sulfur content statements from the fuel suppliers on-site for a period of at least five (5) years in accordance with 45CSR10A, Section 7. Amonate will submit a "Monitoring Summary Report" and an "Excursion and Monitoring Plan Performance Report" on a quarterly basis to the Director by the 30th day of the month following the calendar quarter. Amonate 45CSR10 Monitoring Plan for the coal thermal dryer is attached in Appendix A.

[45CSR§10-8.3.]

- 4.2.5. The permittee shall have monitoring devices described in Sections 4.2.1 and 4.2.2 installed and operating. Recordkeeping for the monitoring devices shall be recorded at least once every 12 hours.

[45CSR§30-5.1.c.]

- 4.2.6. **Proper maintenance.**

At all times, the owner or operator shall maintain the monitoring specified in Section 4.2.1, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

[45CSR§30-5.1.c; 40 C.F.R. § 64.7 (b)]

- 4.2.7. **Continued operation.**

Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

[45CSR§30-5.1.c., 40 C.F.R. § 64.7 (c)]

4.2.8. Response to excursions or exceedances.

- a. Upon detecting an excursion or exceedance, the owner or operation shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[45CSR§30-5.1.c; 40 C.F.R. § 64.7 (d)]

4.2.9. Documentation of need for improved monitoring.

After approval of monitoring under 40 C.F.R. 64, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

[45CSR§30-5.1.c; 40 C.F.R. § 64.7 (e)]

4.2.10. Quality Improvement Plan (QIP)

Based on the results of a determination made under Section 4.2.8.b, the Administrator or the permitting authority may require the owner or operator to develop and implement a QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 C.F.R. §§ 64.8 (b) through (e). Refer to Section 4.5.1.c for the reporting required when a QIP is implemented.

[45CSR§30-5.1.c; 40 C.F.R. § 64.8]

4.3. Testing Requirements

4.3.1. Stack testing shall be conducted for the purpose of determining compliance with emission limit for particulate matter set forth in Section 4.1.1. A written report of the results of such testing shall be furnished to the Director. Promulgated test methods as specified in 40 C.F.R. Part 60 Appendix A or an alternative method approved in writing by the Director for such testing shall be used. The following parameters shall also be recorded during such testing:

- a. Opacity readings on the exhaust stack following the procedures of Method 9;
- b. Amount of coal burned and the amount of coal dried;
- c. Coal drying temperature and residence time in the dryer;
- d. Temperature of the gas stream at the exit of the thermal dryer;
- e. Flow rate through the dryer and converted to dry standard cubic feet;
- f. Water pressure to the control equipment; and
- g. Pressure loss of the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment.
- h. Volatile Matter of the coal burned.

Based on previous test results, stack testing to determine compliance with the emission limitations for PM Concentration, PM and PM₁₀ shall be conducted no later than within one year of the thermal dryer coming back online for continuous operation. The facility is currently shut down due to economic conditions.

Subsequent testing to determine compliance with the particulate matter emission limitation of Section 4.1.1 shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Annual	If annual testing is required, after two successive tests indicate mass emission rates between 50% and 90 % of emission limit	Once/3 years
Annual	If annual testing is required, after three successive tests indicate mass emission rates $\leq 50\%$ of emission limit	Once/5 years
Once/3 years	If testing is required once/3 years, after two successive tests indicate mass emission rates $\leq 50\%$ of emission limit	Once/5 years
Once/3 years	If testing is required once/3 years and any test indicates a mass emission rate $\geq 90\%$ of emission limit	Annual
Once/5 years	If testing is required once /5 years and any test indicates mass emission rates between 50% and 90 % of emission limit	Once/3 years
Once/5 years	If testing is required once/5 years and any test indicates a mass emission rate $\geq 90\%$ of emission limit	Annual

The current water pressure to the scrubber parameter is set at a minimum of 20 psi, and the pressure drop (taken at the inlet of the scrubber and at a location between the scrubber and the mist eliminator) is set at a minimum of 25 inches of H₂O. The current temperature of the thermal dryer exit is set at a minimum of 140°F. An excursion per the 40 C.F.R. Part 64 CAM Plan is defined as values below these current values based on a 3-hour rolling average. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

If during the next scheduled test or subsequent testing thereafter, the parameter set points are re-established the permittee shall submit a modification to the CAM Plan

[45CSR§30-5.1.c, 45CSR13, R13-0267 (B.1.), 40 C.F.R. §§ 64.6 (c) & 64.7 (d)]

4.3.2. The owner or operator must conduct all performance tests required by 40 C.F.R. § 60.8 to demonstrate compliance with the applicable emissions standards specified in 40 C.F.R. § 60.252 according to the requirements in 40 C.F.R. § 60.8 using the applicable test methods and procedures in 40 C.F.R. §§ 60.257 (b) (1) through (8).

- (1) Method 1 or 1A of 40 C.F.R. Part 60 Appendix A–4 shall be used to select sampling port locations and the number of traverse points in each stack or duct. Sampling sites must be located at the outlet of the control device (or at the outlet of the emissions source if no control device is present) prior to any releases to the atmosphere.
- (2) Method 2, 2A, 2C, 2D, 2F, or 2G of 40 C.F.R. Part 60 Appendix A–4 shall be used to determine the volumetric flow rate of the stack gas.

- (3) Method 3, 3A, or 3B of 40 C.F.R. Part 60 Appendix A-4 shall be used to determine the dry molecular weight of the stack gas. The owner or operator may use ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses (incorporated by reference— *see* 40 C.F.R. § 60.17) as an alternative to Method 3B of 40 C.F.R. Part 60 Appendix A-2.
- (4) Method 4 of 40 C.F.R. Part 60 Appendix A-4 shall be used to determine the moisture content of the stack gas.
- (5) Method 5, 5B or 5D of 40 C.F.R. Part 60 Appendix A-4 or Method 17 of 40 C.F.R. Part 60 Appendix A-7 shall be used to determine the PM concentration as follows:
 - (i) The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin. A minimum of three valid test runs are needed to comprise a PM performance test.
 - (ii) Method 5 of 40 C.F.R. Part 60 Appendix A shall be used only to test emissions from affected facilities without wet flue gas desulfurization (FGD) systems.
 - (iii) Method 5B of 40 C.F.R. Part 60 Appendix A is to be used only after wet FGD systems.
 - (iv) Method 5D of 40 C.F.R. Part 60 Appendix A-4 shall be used for positive pressure fabric filters and other similar applications (*e.g.*, stub stacks and roof vents).
 - (v) Method 17 of 40 C.F.R. Part 60 Appendix A-6 may be used at facilities with or without wet scrubber systems provided the stack gas temperature does not exceed a temperature of 160 °C (320 °F). The procedures of sections 8.1 and 11.1 of Method 5B of 40 C.F.R. Part 60 Appendix A-3 may be used in Method 17 of 40 C.F.R. Part 60 Appendix A-6 only if it is used after a wet FGD system. Do not use Method 17 of 40 C.F.R. Part 60 Appendix A-6 after wet FGD systems if the effluent is saturated or laden with water droplets.
- (6) Method 6, 6A, or 6C of 40 C.F.R. Part 60 Appendix A-4 shall be used to determine the SO₂ concentration. A minimum of three valid test runs are needed to comprise an SO₂ performance test.
- (7) Method 7 or 7E of 40 C.F.R. Part 60 Appendix A-4 shall be used to determine the NO_x concentration. A minimum of three valid test runs are needed to comprise an NO_x performance test.
- (8) Method 10 of 40 C.F.R. Part 60 Appendix A-4 shall be used to determine the CO concentration. A minimum of three valid test runs are needed to comprise a CO performance test. CO performance tests are conducted concurrently (or within a 60-minute period) with NO_x performance tests.

[45CSR16, 40 C.F.R. § 60.257 (b), 45CSR13, R13-0267, B.5.]

4.4. Recordkeeping Requirements

- 4.4.1. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) subject to 45CSR§§10-3, 4, or 5 shall maintain on-site a record of all required monitoring data as established in a monitoring plan pursuant to 45CSR§10-8.2.c. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.

[45CSR§10-8.3.a, 45CSR13, R13-0267, B.4.]

- 4.4.2. The owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director. Such an exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.

[45CSR§10-8.3.b, 45CSR13, R13-0267, B.4.]

- 4.4.3. The permittee shall conduct monitoring/recordkeeping/reporting for the thermal dryer (TD-1) as follows

- a. Visible emissions evaluation shall be conducted for the thermal dryer unit(s) at least once every consecutive 12-month period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for the thermal dryer unit(s).
- b. The thermal dryer unit included in this permit shall be observed visually on a daily basis during periods of facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. Part 60 Appendix A, Method 22. If visible emissions from the thermal dryer unit is observed during these daily observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the thermal dryer unit, visible emissions evaluations in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than fourteen (14) days from the time of the observation. A Method 9 evaluation shall not be required under this paragraph if the visible emissions condition is corrected in a timely manner; the thermal dryer unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
- c. If any subsequent visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a thermal dryer unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive seven (7) day period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the thermal dryer unit for 3 consecutive seven (7) day evaluation periods, the thermal dryer may comply with the visible emissions testing requirements of paragraph b in lieu of those established in this condition.
- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. Part 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

- e. If any visible emissions evaluation performed in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 indicates a visible emissions observation of twenty percent (20%) or greater, the minimum total time of the observations for that emission unit shall be sixty (60) minutes. This paragraph shall not apply if any visible emissions observation period is sixty percent (60%) or greater.
- f. The thermal dryer unit included in this permit shall be observed visually during periods of building a fire of operating quality and minimization efforts taken to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities.

[45CSR§30-5.1.c.]

- 4.4.4. For the purpose of determining compliance with the maximum sulfur content, maximum ash content, and moisture content of coal, the company shall maintain records. Records shall be made available to the Director or the duly authorized representative upon request.

[45CSR§30-5.1.c.]

- 4.4.5. For CAM, the owner or operator shall comply with the recordkeeping requirements of Sections 3.4.1 and 3.4.2. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. § 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

[45CSR§30-5.1.c, 40 C.F.R. § 64.9 (b)]

- 4.4.6. The measured stack gas exit temperature of Section 4.2.1.1.i above, the pressure drop of Section 4.2.1.1.ii.A above, and the measured water supply pressure of Section 4.2.1.1.ii.B above, shall be continuously recorded by a strip chart(s) and manually recorded once every 12 hours.

[45CSR§30-5.1.c, 40 C.F.R. § 64.6 (c)]

4.5. Reporting Requirements

- 4.5.1. For CAM, monitoring reports shall be submitted to the director and at a minimum shall include and be in accordance with information in permit Sections 3.5.6 and 3.5.8 as applicable. Also, at a minimum, the following information, as applicable, shall be included:
 - a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - c. A description of the actions taken to implement a QIP during the reporting period as specified in 40 C.F.R. § 64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[45CSR§30-5.1.c, 40 C.F.R. § 64.9 (a)]

4.5.2. For the purpose of reports required under 40 C.F.R. § 60.7 (c), any owner operator subject to the provisions of 40 C.F.R. Part 60 Subpart Y also shall report semiannually periods of excess emissions as follow:

- (1) The owner or operator of an affected facility with a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the scrubber pressure loss, water supply flow rate, or pH of the wet scrubber liquid vary by more than 10 percent from the average determined during the most recent performance test.
- (2) The owner or operator of an affected facility with control equipment other than a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the reagent injection flow rate, as applicable, vary by more than 10 percent from the average determined during the most recent performance test.
- (3) All 6-minute average opacities that exceed the applicable standard.

[45CSR16, 40 C.F.R. § 60.258 (b), 45CSR13, R13-0267, B.1.]

4.5.3. After July 1, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with 40 C.F.R. Part 60 Subpart Y, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e., Method 9 of 40 C.F.R. Part 60 Appendix A–4 opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code: D243–01; RTP, NC 27711.

[45CSR16, 40 C.F.R. § 60.258 (d), 45CSR13, R13-0267, B.1.]

4.6. Compliance Plan

4.6.1. None

5.0 Storage Piles [emission unit ID(s): Stockpile at Truck Dump (SP-1), Beechfork Storage Pile (SP-2), Main Clean Coal Storage Pile (SP-3), Loop #1 Stockpile (SP-4), Loop #2 Stockpile (SP-5), and Refuse Storage Piles; emission point ID(s): 003]

5.1. Limitations and Standards

- 5.1.1. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by the following:
[45CSR§5-7.1., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.2. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse.
[45CSR§5-7.2., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.3. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas.
[45CSR§5-7.3., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.4. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site.
[45CSR§5-7.4., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.5. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution.
[45CSR§5-7.5., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.6. Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area.
[45CSR§5-7.6., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.7. Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area.
[45CSR§5-7.7., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.8. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited.
[45CSR§5-7.8., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.9. Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director in accordance with the following.
[45CSR§5-8.1., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]
- 5.1.10. Each coal refuses disposal area that causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in section one of Chapter twenty-two, article five of the code of West Virginia, as amended, as well as the established facts and circumstances of the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area.
[45CSR§5-8.2., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]

- 5.1.11. With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in section one of chapter twenty-two, article five of the code of West Virginia, as amended, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time, as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W.Va. Code §§ 22-5-1 et seq. If such report is not submitted as requested or if the Director determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W.Va. Code § 22-5.

[45CSR§5-8.3., 45CSR13, R13-0267, B.1. (Refuse Storage Piles)]

5.2. Monitoring Requirements

- 5.2.1. Reserved

5.3. Testing Requirements

- 5.3.1. Reserved

5.4. Recordkeeping Requirements

- 5.4.1. Reserved

5.5. Reporting Requirements

- 5.5.1. Reserved

5.6. Compliance Plan

- 5.6.1. None

APPENDIX A

45CSR10 MONITORING PLAN
for
Consolidation Coal Company
Amonate Coal Preparation Plant with Thermal Dryer
Thermal Dryer (TD-1)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 21, 2001

Ms. Laura Crowder
West Virginia Department of Environmental Protection
Division of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943

RE: Consolidation Coal Company
Amonate Preparation Plant; Facility ID No. 047-00017
Regulation 10 Sulfur Dioxide Monitoring Recordkeeping and Reporting Plan

Dear Ms. Crowder:

As required by Regulation 10 and as directed through correspondence received from Karen Watson, please find enclosed the proposed sulfur dioxide monitoring, recordkeeping and reporting plan for the coal thermal dryer at the Amonate Preparation Plant in McDowell County.

Also included with the plan is a copy of the proposed Monitoring Summary and Excursion and Monitoring Plan Performance Report completed for the months of January through October 2001.

Please note that similar plans are being prepared for coal thermal dryers at Consolidation Coal Company's Blacksville #2 (ID # 061-00016) and Loveridge (ID # 049-00019) preparation plants.

Please contact me at the above location if you have any questions regarding this submittal.

Sincerely

Richard J. Denning
Coordinator – Environmental Quality

Enclosures

Cc: Karen G. Watson, Esq. WV DEP
Christopher B. Power, Esq.

Bcc: Gerald Ramsey
Clark Christie
Dave Kirtz
WV DEP Air - Regulation 10 File

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Consolidation Coal Company

Amonate Preparation Plant; Facility I.D.: 047-00017

C.S.R. § 45-10-4: Regulation 10 Monitoring, Recordkeeping and Reporting Plan to Prevent and Control Air Pollution from the Emissions of Sulfur Dioxides

1. The Amonate Preparation Plant is a coal cleaning facility in McDowell County that has a coal thermal dryer. The thermal dryer utilizes a coal fired furnace. For the purposes of C.S.R. § 45-10, the thermal dryer unit is classified as a manufacturing process subject to a sulfur dioxide emission limit of 2,000 parts per million by volume (ppmv).

Consolidation Coal Company proposes to demonstrate compliance with the 2,000 ppmv sulfur dioxide limit by using the fuel sampling and analysis monitoring plan as outlined below.

- a. Consolidation Coal Company shall meet the following minimum coal sampling requirements for the Amonate Thermal Dryer:
 1. Since the thermal dryer furnace is fueled by diverting a portion of the clean coal produced by the plant into a furnace fuel bin, sampling of the clean coal product stream is considered to be representative of the total coal flow to be combusted by the dryer. The coal sample acquisition program will utilize the current clean coal sampling protocol. The current protocol consists of collecting clean coal product samples either from an automatic coal sampling system when coal is direct loaded into rail cars or manual car top samples from rail cars as they are being loaded from the stockpile.
 2. The automatic sampling system and the car top sampling system generate an individual sample of at least 500 grams, which is prepared and saved from each loading. A sample split from all individual samples is combined to represent a monthly composite.
 3. The monthly composite sample will be processed and analyzed for heat and sulfur content. Heat content will be reported in BTU per pound and the sulfur content as a percentage. The analytical results, on an as received basis, will be used as input to Equation 1 below.
- b. Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86, "Standard Method of Preparing Coal Samples for Analysis."
- c. The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-85, "Standard Test Method for Gross Calorific Value of Solid fuel by the Adiabatic Bomb Calorimeter," or ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter."
- d. The sulfur content of coal samples shall be determined in accordance with procedures specified in ASTM D3177-84, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-85, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods."
- e. SO₂ emissions for each month shall be calculated based on the design heat input of 145 mmBtu/hr and the results of the analyses for sulfur and heat content for the month according to the following equations:

Equation 1:

$$\text{SO}_2 \text{ (lb/hr)} = 2 \times (\text{MFR} / \text{HV}) \times \text{S}$$

Where:

MFR = Design heat input of 145,000,000 Btu/hr

HV = Heating value of fuel in Btu/lb

S = Percent sulfur content of fuel divided by 100

2 = 2 lb SO₂ per 1 lb S

Equation 2:

$$\text{SO}_2 \text{ (ppmv)} = \text{SO}_2 \text{ (lb/hr)} \times (385/64) \times (1/164,700) \times (1/60) \times 10^6$$

Where:

SO₂ (ppmv) = Sulfur dioxide concentration by volume

SO₂ (lb/hr) = Sulfur dioxide weight rate

385 = Molar volume in scf/lb-mole

64 = Molecular weight of Sulfur dioxide in lb/lb-mole

164,700 = Exhaust fan volumetric exhaust flow rate in scfm

60 = Minutes per hour

The measurement of fuel flow on this particular thermal dryer is not easily accomplished. However by using the equations in this section, the maximum design heat input, and minimum volumetric gas flow rate, if compliance with C.S.R. § 45-10-4.1. is shown with these “worse case” conditions then compliance at lower heat inputs and/or higher stack gas flow rates will be ensured.

- f. Operational Ranges - When a furnace fuel with a minimum as received heat content of 12,000 btu/lb is used to calculate the “worst case” SO₂ emission rate, a fuel sulfur content of 13.6% would be needed before Equations 1 and 2 report a ppmv SO₂ value equal to 2,000. Since a heat content of 12,000 btu/lb is well below that of any coals ever produced at the Amonate plant and coals with a sulfur content as high as 13.6% are impossible to find it is virtually impossible for the Amonate plant to ever exceed the SO₂ limit. Based on the foregoing demonstration, operational ranges for furnace fuel heat and sulfur content are immaterial to demonstrate compliance and therefore do not need to be established.
- g. Response Plan - Based on the “worst case” compliance demonstration described in Paragraph g. above it is impossible for the Amonate plant to ever exceed the SO₂ emission rate of 2,000 ppmv, therefore a response plan does not need to be developed.
- h. Compliance Stack Testing – Since compliance demonstration does not depend on the performance of any control devices or the performance of any continuous emission monitors and since 100 % compliance can be demonstrated through a “worst case” emissions calculation, Consolidation Coal Company requests a waiver from the initial compliance stack testing requirement of C.S.R. § 45-10A-5.2.a. Compliance calculations made for 2001 for all months from January through October show that a “worst case” value of 91 ppmv SO₂ is calculated using Equations 1 and 2 in Paragraph 2. Because this value is less than 5% of the limit no on-going stack testing is proposed.
- i. A report titled “Monitoring Summary and Excursion and Monitoring Plan Performance Report” detailing the status of compliance with the sulfur dioxide limit of 2,000 ppmv shall be prepared and submitted quarterly to the Director.
- j. According to C.S.R. § 45-30-5.1.c, these records shall be maintained on site for a period of no less than five (5) years.

Consolidation Coal Company
Amonate Preparation Plant; Facility I.D.: 047-00017

November 4, 2002

MONITORING SUMMARY, EXCURSION and MONITORING PLAN PERFORMANCE REPORT

As Required by C.S.R. 45 Regulation 10 for Emissions of Sulfur Dioxides from Manufacturing Units.

Equation 1:

$$\text{SO}_2 (\text{lb/hr}) = 2 \times (\text{MFR} / \text{HV}) \times \text{S}$$

Where:

MFR = Design heat input of 145,000,000 Btu/hr

HV = Heating value of fuel in Btu/lb

S = Percent sulfur content of fuel divided by 100

2 = 2 lb SO₂ per 1 lb S

Equation 2:

$$\text{SO}_2 (\text{ppmv}) = \text{SO}_2 (\text{lb/hr}) \times (385/64) \times (1/164,700) \times (1/60) \times 10^6$$

Where:

SO₂ (ppmv) = Sulfur dioxide concentration by volume

SO₂ (lb/hr) = Sulfur dioxide weight rate

385 = Molar volume in scf/lb-mole

64 = Molecular weight of Sulfur dioxide in lb/lb-mole

164,700 = Exhaust fan volumetric exhaust flow rate in scfm

60 = Minutes per hour

<u>Amonate</u>	<u>Thermal Dryer</u>	<u>Furnace Design Heat Input</u>	<u>Furnace Fuel As Received Basis</u>		<u>SO₂ Calculated* Equation 1</u>	<u>SO₂ Calculated* Equation 2</u>	<u>Is emission in compliance with 2,000 ppmv SO₂ Limit ?</u>	<u>Excursions and Comments</u>
<u>Month/Year</u>	<u>SCFM</u>	<u>MMbtu/hr</u>	<u>btu/lb</u>	<u>% S</u>	<u>lb/hr</u>	<u>ppmv</u>		
January-01	164,700	145	13,885	0.65%	136	83	YES	No Excursions
February-01	164,700	145	13,930	0.65%	135	82	YES	No Excursions
March-01	164,700	145	13,832	0.64%	134	82	YES	No Excursions
April-01	164,700	145	13,813	0.63%	132	81	YES	No Excursions
May-01	164,700	145						Dryer out of service
June-01	164,700	145	13,671	0.66%	140	85	YES	No Excursions
July-01	164,700	145	14,048	0.71%	147	89	YES	No Excursions
August-01	164,700	145	13,900	0.71%	148	90	YES	No Excursions
September-01	164,700	145	13,808	0.71%	149	91	YES	No Excursions
October-01	164,700	145	13,877	0.70%	146	89	YES	No Excursions
November-01	164,700	145	13,969	0.74%	154	94	YES	No Excursions
December-01	164,700	145	14,003	0.74%	153	93	YES	No Excursions
January-02	164,700	145	13,987	0.75%	156	95	YES	No Excursions
February-02	164,700	145	13,858	0.76%	159	97	YES	No Excursions
March-02	164,700	145	13,798	0.73%	153	93	YES	No Excursions
April-02	164,700	145	13,761	0.73%	154	94	YES	No Excursions
May-02	164,700	145						Dryer did not operate
June-02	164,700	145	13,811	0.74%	155	95	YES	No Excursions
July-02	164,700	145	13,892	0.70%	146	89	YES	No Excursions
August-02	164,700	145	13,984	0.69%	144	87	YES	No Excursions
September-02	164,700	145	13,871	0.73%	154	93	YES	No Excursions
October-02	164,700	145						
November-02	164,700	145						
December-02	164,700	145						
January-03	164,700	145						
February-03	164,700	145						
March-03	164,700	145						
April-03	164,700	145						
May-03	164,700	145						
June-03	164,700	145						
July-03	164,700	145						
August-03	164,700	145						
September-03	164,700	145						
October-03	164,700	145						
November-03	164,700	145						
December-03	164,700	145						
* Calculated SO ₂ in lb/hr or ppmv does not take into account any SO ₂ removal by the venturi scrubber								